



DEPARTMENT OF LAND USE

April 13, 2023

In reply, refer to:
2023-1095-V
401 Governors Place

Peter A Yingst
Tarabicos, Grosso & Hoffman, LLP
100 West Commons Boulevard, Suite 415
New Castle, Delaware 19720

Dear Applicant:

The New Castle County Department of Land Use is in receipt of your request for a verification of zoning and use for tax parcel number 10-039.00-047, which is located at 401 Governors Place in New Castle, Delaware.

A review of the Official Zoning Map of New Castle County indicates the subject parcel is zoned **CR (Commercial Regional)**, which permits high intensity recreation facilities such as indoor trampoline facilities and amusement game machine complex, pursuant to Table 40.03.110 and Section 40.33.250 B of the New Castle County Code. No variances or zoning or building violations were found for the subject property in a search of the tax parcel information system.

A Record Minor Land Development Plan for Governor's Square (instrument number 201909050070451) was recorded on September, 5 2019 in the Office of the Recorder of Deeds for New Castle County. The approval and recordation of this plan indicate compliance with the subdivision and zoning code in effect at the time. A digital copy (PDF) of the record plan can be provided at the applicant's request. Any new construction or changes in use to that shown on the record plans will require compliance with current UDC regulations.

Please be advised that this letter only verifies whether the type of use that exists or is proposed on the site – to the extent you described it in your zoning verification application – is permitted, not permitted, or permitted under limited circumstances in the zoning district. **This letter is not a permit and does not offer any guarantee that any other required plans, applications, certifications, or variances for your project will be approved.**

If your project involves an expansion of the existing use, a change of use, alterations to the building or site, demolition, or new construction, one or more permits may be needed before you can initiate the use. The following is a summary of Department of Land Use permits, certificates, and plans that may be required for your project:

Any new use or change of use in an existing building may require:

1. **Limited Use Permit.** If the existing or proposed use is identified as a "limited use" on the first page of this letter you will need to apply for a Limited Use Permit. This application must be accompanied by a site plan, or other supporting documentation, demonstrating that the special standards for that use are met. Refer to Articles 3 and 31 of the Unified Development code for additional information.
2. **Certificate of Use.** To either institute a new use, or expand an existing use, in an existing building you must obtain a Certificate of Use. The Department will determine whether the building meets the building code and parking requirements for such use. Refer to Chapter 6 of the New Castle County Code (Building Code) for additional information.

Any new construction, or alteration or expansion of existing buildings and features on the site may require:

1. **Major or Minor Land Development Plan.** If your project will subdivide land or add more than 1,000 square feet of gross floor area, you must submit a major or minor land development plan. The plan will be reviewed for compliance with the land development criteria outlined in the Unified Development Code. During review of the plan, the Department may hold public hearings and may identify other applications, plans, studies, or permits that need to be submitted before development can commence. Refer to Article 31 of the Unified Development Code for general requirements.
2. **Parking Plan.** If your project requires installation, expansion, or reconfiguration of a parking lot, you will need to submit a parking plan. Refer to Articles 3 and 31 of the Unified Development Code for general requirements.
3. **Building Permit / Demolition Permit / Sign Permit.** If your project will involve altering or enlarging a building (including mechanical systems), demolishing all or part of a building, or installing new signs, you must obtain permits for those activities. During the review of these applications, the Department may identify other applications, plans, studies, or permits that need to be submitted before development can commence. Before the new or improved building can be inhabited, a **Certificate of Occupancy** must be secured from the Department. Refer to Chapter 6, Article 3 of the New Castle County Code (Building Code) for additional information.

This summary of Department of Land Use permit applications is intended only for general informational purposes and is not intended to be inclusive of the comprehensive requirements contained in the New Castle County Code. Please be advised that some of the review processes described above may also require recommendations or decisions from County boards (Planning Board, Historic Review Board, Board of Adjustment, and Resource Protection Area Technical Advisory Committee) or outside agencies. New Castle County must abide by regulations imposed on it by a variety of State and Federal agencies. Accordingly, any of the County permits described above may be subject to additional review processes that address environmental concerns; resource protection; public health, safety, and welfare; and a variety of other issues. In some cases, landowners may need to address the requirements of those agencies independently.

Landowners contemplating a change of use, future development, or alterations to buildings and land are encouraged to engage the services of an engineer, land surveyor, and/or attorney for advice on any physical constraints that may limit development of the property, and guidance on what permits may be needed to commence a new use or development.

General questions regarding the plan review process; building, demolition, and sign permits; and Certificates of Use/Occupancy, can be answered by the Department at 395-5400. Copies of documents such as certificates of occupancy or code violations may be obtained, where applicable and available, by submitting an Information Request Form (FOIA). The form is available online at www.newcastlede.gov. Thank you for your attention to this matter.

Sincerely,



Klesa Achaibar
Planner I